

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Joe Hand Promotions, Inc.,)	
)	C.A. No. 4:10-cv-00806-TLW-SVH
Plaintiff,)	
)	
vs.)	ORDER
)	
Scott's End Zone, Inc., d/b/a/ Jimmagan's)	
End Zone, a/k/a Jimmagan's Sports Bar)	
& Grill, and Scott E. Sheedy,)	
)	
Defendants.)	
_____)	

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Shiva V. Hodges, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In her Report, Magistrate Judge Hodges recommends that default judgment be entered against Jimmagan’s and Sheedy¹ and that they be found liable for willful violation of 47 U.S.C. § 405. As a result of such violation, the Report recommends that Joe Hand Promotions (“JHP”) should be awarded judgment against Jimmagan’s and Sheedy which should include the award of \$ 453.11 in costs and \$ 2,451.88 in attorneys’ fees pursuant to 47 U.S.C. § 495(e)(3)(B)(iii) and \$ 15,000 in statutory and enhanced damages pursuant to 47 U.S.C. § 605 (e)(3)(C). Thus the total recommended monetary award is \$ 17,904.99 (\$15,000 damages, plus \$ 2,904.99 costs and fees), barring supplementation by counsel. The Report further recommends that Defendants Jimmagan’s and

¹As in the Report and Recommendation, the Court’s reference to “Jimmagan’s” denotes defendant Scott’s End Zone, Inc., d/b/a/ Jimmagan’s End Zone, a/k/a Jimmagan’s Sports Bar & Grill; and the Court’s reference to “Sheedy” denotes defendant Scott E. Sheedy.

Sheedy should be found jointly and severally responsible for these damages awards. Plaintiff has filed no objections to the Report.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. No objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

A review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 17), and, without objection by plaintiff, defendant's motion for default judgment is **GRANTED** (Doc.# 9) as outlined in the Report and Recommendation of the Magistrate Judge. Specifically, default judgment is entered against Jimmagan's and Sheedy and they are found liable for willful violation of 47 U.S.C. § 405. As a result of such violation, Joe Hand Promotions ("JHP") is awarded judgment against Jimmagan's and Sheedy which includes the award of \$ 453.11 in costs and \$ 2,451.88 in attorneys' fees pursuant to 47 U.S.C. § 495(e)(3)(B)(iii) and \$15,000 in statutory and enhanced damages pursuant to 47 U.S.C. § 605 (e)(3)(C). Thus the total monetary award is \$ 17,904.99 (\$15,000 damages, plus \$ 2,904.99 costs and fees). Defendants Jimmagan's and Sheedy are jointly and severally responsible for these damages awards.

IT IS SO ORDERED.

December 10, 2010
Florence, SC

s/ Terry L. Wooten
TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE